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Summary record of the 4th meeting
Held at Headquarters, New York, on Wednesday, 10 October 2012, at 3 p.m.

Chair:	Mr. Messone	(Gabon)
later:	Ms. Andamo (Vice-Chair)	(Thailand)
later:	Mr. Messone (Chair)	(Gabon)

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The meeting was called to order at 3.15 p.m.

Agenda item 60: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of petitioners (*continued*)

1. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and all would withdraw after making their statements.

Question of Western Sahara (*continued*) (A/C.4/67/5)

2. **Ms. Scholte** (Defense Forum Foundation) said that the failure of the United Nations to move forward with the long-promised referendum on self-determination made the Organization culpable in a number of tragic situations. It had led to continuing, well-documented human rights abuses against the Saharan people, hundreds of whom had been killed or had disappeared as a result of their peaceful advocacy of self-determination.

3. Further, almost 200,000 Saharans had been forced to live since the 1990s in refugee camps in the deserts of Algeria, where a whole generation had grown up without seeing its homeland. Yet despite the harsh conditions, the Saharans had established a self-governing republic, which had been recognized by the African Union and more than 70 nations, and set up schools that had made them the most highly educated as a people in Africa.

4. Despite the cruel treatment meted out to them by the Moroccan authorities, the Saharans continued to rely on non-violent advocacy, trusting in the rightness of their cause and in institutions such as the United Nations. They had also undertaken to abide by any result of the referendum. If the result was independence, a free Western Sahara would be a beacon of hope to all peoples that it was possible to resolve conflicts through peaceful means and the rule of law.

5. **Mr. Chapaux**, speaking in his personal capacity as an international research fellow at New York University School of Law, said that the useful new concept of "sociocide" could be raised in connection with the Sahrawi people, in the sense of the elimination of a society by the systematic destruction of its political and social structures, beyond the violation of the human rights of its individual members. It was surely the duty of the international community to denounce the fact that Morocco, as occupying Power, had for 40 years been systematically destroying Sahrawi society by suppressing the people's right of assembly and expression at the local level, and their ability to establish a State governing the entirety of their population and territory. The United Nations would fail totally if it allowed the Sahrawis in Morocco to be compelled to renounce their identity and the rest of them to live forever in refugee camps.

6. **Mr. David** (Centre de droit international, Université libre de Bruxelles) said that, after the recognition of the right of the people of Western Sahara to self-determination in the 1975 advisory opinion of the International Court of Justice, Morocco's 37-year occupation of the Territory was in violation of international law. Since its illegality extended to all the actions that resulted from it, the exploitation of the resources of Western Sahara by Morocco without the permission of the Sahrawi government was illegal. As a consequence, any commercial enterprise that extracted, sold or bought resources from the soil or water of Western Sahara would be complicit in theft, and thus liable to a civil suit by the Sahrawi authorities either for return of the resources or for damages, or to a criminal suit for larceny or theft. States should warn their commercial enterprises of the legal risks they were running in operating without the consent of the Sahrawi authorities.

7. **Mr. Galand** (Coordination européenne de soutien au peuple sahraoui), speaking on behalf of 300 committees, twinned towns and groups of parliamentarians supporting the legitimate cause of the Sahrawi people, said that he had followed the Sahrawi struggle for independence since the population had first fled towards Tindouf before the advancing Moroccan army 36 years earlier, when his own role at the head of Oxfam Belgium had been to organize help to refugee populations.

8. The United Nations was to be commended for its work of voter identification among the Sahrawi refugees, preparatory to the holding of the referendum on self-determination which, however, had been blocked by Morocco. Also praiseworthy were many United Nations agencies and the European Union for their material assistance to the refugees, and also Algeria for its provision of living space to them.

9. The Committee's objective being to speed the process of decolonization of Western Sahara, it had a duty to call on the General Assembly to make the promised referendum a reality after a wait of 22 years. Should that not prove possible, then the United Nations had a duty to follow the example of the African Union and recognize the Sahrawi Arab Democratic Republic established by the people.

10. **Mr. Koliopolous**, speaking in his personal capacity as a professor at Panteion University, Athens, Greece, said that the Moroccan initiative regarding an autonomy statute for the Sahara region guaranteed democratic governance through legislative, executive and judicial bodies, and through universal suffrage and protection of women's rights. Additionally, the Moroccan proposal had been accompanied by an offer of blanket amnesty for political opponents.

11. Any doubts as to the sincerity of the Moroccan proposal should be dispelled by consideration of the democratic reforms that were under way in Morocco. They had begun in the early 1990s with reinforcement of the independence of the judiciary, had continued with parliamentary elections internationally recognized as free and fair, and had been confirmed in a new constitution approved by referendum. Regionalization was the culmination of the process, constituting a modernization of the structures of the State, with the aim of bringing the decision-making centres closer to the people.

12. For Western Sahara, the choice was not between autonomy and independence, but between an optimal situation in which the conflict was resolved along democratic lines to the satisfaction of all concerned and for the benefit of the whole Maghreb, and a suboptimal situation in which the Moroccan Sahara would be enjoying the benefits of advanced autonomy but would be subjected to pressure from forces inimical to that solution, while the Saharans in the Tindouf camps would continue suffering and the Maghreb would remain unstable.

13. *Ms. Andamo (Thailand), Vice-Chair, took the Chair.*

14. **Mr. Rosemarine**, speaking in his personal capacity as an international lawyer, drew attention to the profound changes Morocco had introduced over the past 13 years in its approach to human rights. The most fundamental of the country's human rights documents, the new Constitution, had been popularly acclaimed by referendum in 2011. A shining strength of the Constitution was its warm embrace of all the various ethnic groups in the Kingdom. Morocco's aim was to create one nation, with equality for all, and with autonomy where that was right for a given region.

15. The provisions of Morocco's new Constitution safeguarded the main liberties expected in enlightened modern declarations of human rights, while taking into account the requirements of religion and local expectations. Of course there was much work still to be done, but the recent progress in Morocco had been tangible. In its autonomy initiative for the Sahara region, Morocco guaranteed to all Saharans that they would play a leading role in the bodies and institutions of their region, without discrimination.

16. **Mr. Lecoq** (Mayor of Gonfreville l'Orcher, France), speaking on behalf of the Association des Amis de la République Arabe Sahraouie Démocratique, and as a former member of Parliament, said that his firm dedication to the Sahrawi cause had been reinforced by the twinning in 199ɔ between the town of which he was mayor and representatives of the camps in J'Refia.

17. In 2010, as a symbolic peaceful protest against Morocco's violation of their rights, thousands of Sahrawis had left the town of Laayoune to establish an encampment in Gdim Izik. The Moroccan army had soon used violence to dismantle the camp. Arbitrary arrests had followed, including those of 24 protesters who were now about to be tried before a special military court, although they were civilians. Thus far, the Moroccan authorities had not responded to requests for investigation of such abuses.

18. Many Governments had such strong political and economic ties to Morocco that they were in practice supporting the Moroccan standpoint while theoretically approving the United Nations resolutions in favour of self-determination. For several years, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) and many concerned Governments had been calling for an extension of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) to enable it to monitor human rights. Morocco, to date had been supported by France, had strongly opposed that concept. Both the Sahrawi and the Moroccan people had everything to gain from the end of the conflict, and

legitimacy and freedom for both would contribute to stability in that part of Africa.

19. **Mr. Margelletti** (Centro Studi Internazionali, Italy) said that North Africa and the Sahel were undeniably facing security challenges that were more dangerous than in the past and that threatened the whole region, including terrorism, kidnapping, organized crime and human trafficking. The European experience taught that a common problem could be approached only through shared solutions, and that such collaboration must not be hindered by any long-standing conflicts among countries that persisted unchanged.

20. Those new security threats found fertile ground owing to current issues affecting the region, especially the secession demands of tribal communities against central governments, and those issues had to be defused before the different States could begin to collaborate. The various Governments had to be aware that the only way to safeguard the unique cultural rights of such minorities was through real institutional reform that gave them greater autonomy. The benefits would be not only greater development opportunities for each country, but also stability for the entire region, as such reform would shrink the space available to the latest threats, while damaging neither the central authority of the State nor the identity of the tribal communities.

21. **Mr. Laghzal** (National Human Rights Council, Morocco) said that in his view, the Sahara region had always been Moroccan; and that its future lay in self-determination, in a Moroccan context, for both its inhabitants and the Tindouf refugees. Human rights abuses had been an issue in Morocco in the past — he himself had spent many years in prison — but reconciliation commissions had been established to ensure that victims received compensation, in the southern provinces no less than in the rest of the country, and civil society organizations had participated in their formation. Two Saharan branches of the national Human Rights Council were now in operation — he was a member of one — to enable the local population to participate, with the State playing a secondary role, in the promotion and protection of human rights by issuing regular reports on the situation. Non-governmental organizations had visited the south of the country, but had refused to meet with him as a human rights activist, thereby showing their preconceptions and bias.

22. **Mr. Khaya** (Association provinciale des œuvres sociales, culturelles et sportives de Boujdour, Morocco) said that Morocco had implemented major reforms during the previous decade and had adopted a new Constitution which enshrined human rights. New institutions had also been established to uphold human rights and ensure that past excesses did not recur.

23. As a Saharan from the southern provinces, he was well placed to testify that human rights were an everyday reality in Morocco in the south no less than in the north. Some self-proclaimed human rights organizations, finding that they could not deny Morocco's achievements in that domain, were alleging that human rights were protected in the north of the country, but not in the south. That was an insult to the intelligence of the international community. The southern provinces, in contrast to the camps of Tindouf, were not a camp surrounded by barbed wire; they were a broad region that was open on all sides.

24. **Ms. Stame Cervone** (Christian Democratic Women International), referring once again to the deteriorating conditions in the Tindouf camps, said that if the people in the camps, who had been condemned to live in the hellish desert under the control of the armed militiamen of the Frente Polisario, were not given their liberty, the situation could blow up in the faces of the Algerian authorities and set fire to the entire Maghreb region, because of the irresponsible Algerian policy of encouraging separatist tensions in its neighbour in order to weaken it.

25. It was clearly a matter of concern that Tindouf was the only refugee camp in the world where the national Government had refused to allow a census and registration of the population, as it was obliged to do under international law. It was clearly a matter of concern when certain NGOs investigating the situation showed evident bias and made no comment at all about the violations of individual rights perpetrated by the Frente Polisario in the camps. The proof that there was no security in Tindouf could be seen in the kidnapping of three Europeans by an armed band who had taken them to northern Mali. To the Algerian authorities, she recalled the proverb that he who plays with fire is likely to be burned.

26. **Mr. El Moctar**, speaking in his personal capacity as a Malian whose country had been occupied and split in half by separatists, said that Mali's experience was germane to the issue of Western Sahara. Morocco had

been dealing with separatists for 35 years, and had had the courage to propose autonomy for its Saharan provinces, an initiative described as serious and credible in seven consecutive Security Council resolutions.

27. He drew attention to the dangerous linkages in the Sahel between terrorist groups, separatist movements and cross-border crime. The threats to the Sahel had increased in the past year as the difficulty of controlling the region had been exacerbated by the fall of the regime in Libya and the destabilizing effect of the Arab Spring. Tourists, aid workers and diplomats were being kidnapped and held to ransom, and global security was at risk.

28. Morocco, which had strengthened its cooperation with neighbouring countries, with the European Union and with the North Atlantic Treaty Organization (NATO), was a major force for the peace and security of the region, and against the spread of extremism and terrorism. Morocco's exemplary efforts should be a basis for resolving the dispute over Western Sahara, which was destabilizing the region, impeding investment and jeopardizing development and poverty reduction efforts.

29. **Mr. Daha** (Development Agency for the Southern Provinces, Morocco) said that, contrary to malicious allegations of Morocco's theft of the natural resources of the Sahara region, his Agency was in fact pursuing a vigorous policy of sustainable development in a vast region with limited resources. Two resources, water and phosphates, were illustrative.

30. Water was a rarity in the arid provinces of the Sahara. It was true that the region was situated above an immense expanse of groundwater, but that was a non-renewable resource that needed to be conserved. Consequently, Morocco had turned to the desalination of seawater, constructing the largest such plant in Africa and one of the largest in the world in order to supply the city of Laayoune with water. As a result of those costly efforts, the rate of connection to drinking water in the Saharan provinces was close to 100 per cent.

31. The reserves of phosphates in the Saharan provinces, furthermore, amounted to only 1.9 per cent of Morocco's total resources, and phosphate mining in the Sahara accounted for only 8 per cent of all national production, although it did create thousands of jobs which benefited the inhabitants of the region.

32. **Ms. Thomas**, speaking in her personal capacity as former chair of the United Nations Committee of the Association of the Bar of the City of New York, said that her Committee had examined every available argument supporting Morocco's presence in Western Sahara, concluding that Morocco could not claim a legal right to the Territory on the basis of any historic relationship it had had with it prior to its colonization by Spain. That had been clearly established by a decision of the International Court of Justice in 1975 in a case brought at the request of Morocco. Moreover, the agreement of 1975 under which Spain agreed to withdraw from the Territory and permit Morocco and Mauritania to occupy it did not justify any legal claim. Despite Morocco's more than 30 years of occupation of Western Sahara, neither the United Nations, the African Union nor any individual State had recognized its claims as legitimate. Even the members of the Security Council who advocated direct talks between Morocco and the Frente Polisario had maintained their support for the Sahrawis' right to self-determination.

33. The Committee itself had concluded that three procedures would be among the options consistent with that right to self-determination under international law: enforcement of the original United Nations/Organization of African Unity 1991 Settlement Plan; enforcement of a version of the Peace Plan advanced by the former Personal Envoy of the Secretary-General, James Baker, which provided for an option for independence; or United Nations-sponsored negotiations on a political solution with preconditions, including the requirement that all options for self-determination be included, and a timetable for such negotiations after which, if no agreement had been reached, a referendum would be held with all options available.

34. **Mr. Castro Moreno** (Coordinadora Estatal de Asociaciones Solidarias con el Sáhara) said that his organization, the largest such solidarity movement in Spain, endorsed the United Nations Settlement Plan as the only way out of the long conflict in Western Sahara. It was important to consider the daily difficulties of the Sahrawi population in the Tindouf refugee camps, suffering tremendous health-care and food shortages. With Sahrawi young people growing up with few opportunities to develop an independent life and future, it was not surprising that they should think about going back to war as the only option.

35. In parallel with the misery of the exiles, there was the situation in the Territory militarily occupied by

Morocco, with its strategy of torture and intimidation to crush any individual or collective Sahrawi resistance, amounting to genocide. The systematic official repression and brutality that occurred daily in the occupied Territory had been recognized by a delegation from the Robert F. Kennedy Center for Justice and Human Rights and by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment during recent visits to the Territory.

36. At the same time, the Moroccan Government plundered natural resources and discriminated between the Sahrawi population and Moroccan settlers in employment opportunities and professional advancement, marginalizing the Sahrawis as second-class citizens in their own country.

37. His organization called for the establishment of a human rights protection mechanism within MINURSO, and for enabling it to fulfil its primary mission, the organization of a referendum of self-determination for the Sahrawi people. It called on the Secretary-General to intervene urgently to end the serious human rights violations perpetrated by the Moroccan authorities against the defenceless Sahrawi population and to put an end to the show trials that unjustly sentenced Sahrawi political prisoners.

38. It was outrageous that France, a cradle of freedom and fraternity, should use its veto in the Security Council to deny the human rights of the Sahrawi people. If there was no alternative, the Security Council must move from Chapter VI to Chapter VII of the Charter of the United Nations to impose a solution. Morocco must release all the Sahrawi political prisoners in its custody, clarify the situation of the many hundreds of missing Saharans, and destroy the "wall of shame" that had been segregating the Sahrawi people for more than 30 years.

39. **Ms. Solana**, speaking in her personal capacity, said that as part of her doctoral research at the University of Toronto she had lived in the Tindouf refugee camps for over a year. The Frente Polisario had put much effort into training and educating its exiled population. The Sahrawis who had grown up in the camps included teachers, doctors, nurses, engineers, historians and poets, and the camps were a space bursting with knowledge and wisdom put on hold.

40. It was an indifferent "peace" being kept by the United Nations in Western Sahara, while hundreds of thousands still lived in refugee camps, while a 2,000-kilometre military wall still divided the Territory, while hundreds of families remained separated, while Sahrawi political prisoners were illegally sentenced and tortured on a regular basis. What "peacekeeping" were the United Nations Blue Helmets performing while they remained blind, deaf and silent about all of those acts of violence?

41. Even as the United Nations was losing all credibility among Sahrawi youth in the camps, those new generations were emerging with the same fervour for national independence as their parents had, and were struggling to regain the future, the dreams and the aspirations that had been stolen from them.

42. *Mr. Messone (Gabon) resumed the Chair.*

43. **Mr. Abello Moreno**, speaking in his personal capacity as a professor, drew attention to the political development of the Kingdom of Morocco. It had taken the path of a gradual democratic reform, while encouraging development and fostering education and social progress. Its leaders were striving to safeguard human rights and establish the rule of law. Morocco was the only Arab country to have set up a justice and reconciliation body. He had observed the orderly progress of the referendum of 1 July 2011, by which the new Constitution has been resoundingly adopted, establishing the separation of powers, fostering decentralization, and guaranteeing equality for men and women, while prohibiting torture and inhumane treatment, arbitrary detention and forced disappearances. Most of the political parties supported the democratic process, in a country in which religion had an influence stretching back thousands of years. Those major changes had taken place in an atmosphere of peace, and elections in November 2011 had gone smoothly.

44. Given the potentially explosive situation in the region, surrounded by multiple threats, the Saharans living in camps should return to Morocco, their home country, with a view to taking part in the national effort of human development, establishment of democracy and promotion of human rights. As part of Morocco's territory, Western Sahara must be fully integrated to allow its population to enjoy the benefits of democracy, order and liberty.

45. **Mr. Jensen**, speaking in his personal capacity as the former Special Representative of the Secretary-General for Western Sahara, said that the initial positions of the parties to the conflict had been rigid

and incompatible. Morocco had seen the Western Sahara as a colonial construct artificially separating the tribal people of a region to which it had a historical claim, while the Frente Polisario had insisted that before and after Spain's departure a distinct Western Saharan identity had evolved that transcended historical links and traditional tribal affiliation.

46. Given the irreconcilable positions as to who might vote in a referendum, the original Settlement Plan had only underlined differences, creating a need to consider an alternative way forward. In 1996 he had been able to arrange a secret encounter in Geneva preparatory to bringing together in Rabat Morocco's Crown Prince and a senior Frente Polisario delegation, to discuss the possibility of a negotiated compromise specifically excluding straightforward integration at one extreme and full independence at the other: in short, regional autonomy. The plan did not succeed, perhaps because the timing had been premature. Both King Hassan and the Frente Polisario, both originally cautiously interested, had subsequently hardened their positions again.

47. Efforts to have the Security Council impose a solution had been consistently rebuffed, and the Council had called on the parties themselves to work towards a mutually acceptable negotiated agreement. Morocco had then submitted an autonomy proposal characterized by the Council as serious, realistic and credible, reinforced by its new Constitution which advanced democracy and emphasized human rights. Regional autonomy was inevitably a compromise, but it was arguably the most realistic — and perhaps the only — prospect for resolving the conflict. Autonomous regions could effectively permit the expression of distinct identities within a politically stable context. The people of Western Sahara would have the final say on any negotiated terms, in a referendum of self-determination.

48. A resolution was more imperative now than ever. Events across North Africa had led to heightened aspirations among a predominantly young population and to the unsettled conditions congenial to terrorists. Economic prospects and opportunities for employment throughout the Maghreb would benefit greatly from settlement of the dispute, which remained the principal impediment to greater cooperation among Morocco, Algeria and Mauritania. A solution would also be a major factor in countering infiltration by terrorists throughout the region, a matter of global concern.

49. **Mr. Assor** (Surrey Three Faiths Forum) said that, for the sake of human decency, the Committee must free men, women and children from decades of squalor by bringing about the release of the detainees in the camps of Tindouf. Their jailers might call them refugees, but they were detainees, unable to vote with their feet. They were victims of an unfair conflict created by those who denied Morocco's unquestionable thousand-year rights to Western Sahara.

50. Morocco had been unflagging in its willingness to negotiate on the basis of the principles repeatedly confirmed by the Security Council. It was committed to its autonomy proposal, deemed serious, realistic and credible by the international community, with the sole exception of those who benefited fraudulently from the operation of the inhumane and illegal detention camps. By setting obstacles in the way of a fair solution to an artificial dispute, the Frente Polisario was endangering the whole region up to the Sahel, with predictable consequences in the current state of chaos prevalent in the area.

51. **Ms. Bouaida**, speaking in her personal capacity as a Saharan, said that the Committee should ask some crucial questions about why the various reports and declarations on Western Sahara avoided any discussion of the legal status of the Tindouf camps in Algeria; why the Frente Polisario refused to allow registration and identification of the refugees in the camps; why there was no talk about the high risk of militarization in the camps, or about human rights violations or the situation of women's rights there. Why was there no talk of the embezzlement of humanitarian supplies? Nor of the direct role and responsibility of Algeria in the regional conflict?

52. Pondering those questions, she herself had reached various conclusions. Saharan detainees and refugees were victims. The key to the conflict was Algeria, which had a particular concept of regional hegemony and the role it wished to play. It was important to see the anachronistic conflict from a broader perspective than a local one. It was important to look at security aspects: weapons trafficking, terrorist groups and serious kidnapping operations threatened the region. It was important to consider the area in which the conflict was taking place and the strategic linkages between North Africa and the Sahel. It was time for consolidation and construction in the region, instead of division.

53. Morocco had through remarkable efforts made democracy a reality. It had put forward a credible autonomy plan for the Sahara region, which was a historical part of the nation. The plan should be discussed and used as a basis for a constructive solution.

54. **Mr. Haouideg** (Association de régionalization et d'Oued-Eddahab-Lagouira) said that Morocco had presented numerous initiatives aimed at resolving the artificial conflict over Western Sahara, including an offer of autonomy for its Sahara region. That offer had been acclaimed in many world capitals, but had been rejected by Algeria, which wanted to see an independent Western Sahara which it would control, thereby gaining an opening on the Atlantic Ocean.

55. Meanwhile, Morocco had adopted a new Constitution and a broad regionalization project, granting extensive powers and resources to regional councils. The Saharan provinces were at the forefront of that regional initiative. But a settlement remained elusive, owing to the rulers of Algeria. It was they who were responsible for the problems currently afflicting the north-western corner of Africa, especially in the Sahel and in Western Sahara. They should beware, for he who sowed the wind would reap the whirlwind.

56. **Ms. Bahaijoub** (Family Protection) said that the people in the Tindouf camps were not refugees as defined in the 1951 United Nations Convention relating to the Status of Refugées, because as genuine Saharans they would be welcomed back to Morocco, as had several who had escaped from the camps and crossed the frontier despite the danger of landmines. In the camps, fundamental human rights were ignored and violated, family members were separated and there was no freedom of movement.

57. The children and young people in the camps were particularly vulnerable, and their numbers were unknown, despite repeated requests by United Nations agencies that a census be carried out. The whole Sahel region was fraught with insecurity, and kidnapping, smuggling and arms proliferation had worsened since the fall of the regime in Libya. Such crimes, coupled with the threat from Islamist groups in the mountainous regions of the Sahara, threatened to destabilize neighbouring countries. By contrast, Morocco was stable and had a very strong economic foundation, as had been observed by United States Secretary of State Hillary Clinton. Morocco had made great strides and the new Constitution allowed for full participation in autonomous democratically elected regional assemblies. The best way forward was Morocco's plan for autonomy for its Sahara region.

58. **Ms. Sibba** (Coalition nationale pour la défense et la protection des valeurs sacrées de la nation) said that she was from the Saharan provinces of Morocco, where she lived in security and peace. Civil society organizations were particularly active in those provinces, helping to promote the progress of that part of the country and ensure a life of dignity for its residents. In addition, they contributed to the task of defending Morocco's territorial unity and confronting the lies spread by the country's enemies, internal and external. Their work required democracy, which was protected by the State, and political stability, which was in part the responsibility of the international community and the parties to the dispute over the Sahara. Morocco's proposed autonomy project was a solution that would be honourable for all concerned and would ensure the stability of the region.

59. **Ms. Warburg** (Freedom For All) said that her organization was concerned by the deteriorating conditions in the Frente Polisario-run refugee camps in Tindouf, Algeria, where 65,000 men, women and children were forcibly detained and deprived of their basic human rights. Fear and intimidation pervaded Tindouf but opposition to the Frente Polisario had been growing. Demonstrations and demands for social and economic improvements, and for a more positive attitude of the Frente Polisario towards Morocco's proposal for autonomy, had continued all year.

60. The Security Council had called yet again for a census of the Tindouf camps, as no accurate data existed as to the refugees' numbers, composition and needs. Despite generous supplies of international aid, the refugees remained poorly fed, with women and young children being seriously anaemic. Problems persisted in delivering the aid, much of which was misappropriated on its way to the refugees, jeopardizing their health and creating a black economy which financed criminal activities and Al-Qaida-linked political extremism throughout the region and the continent.

61. Upheavals in the Maghreb and chaos in Mali and the Sahel, combined with the abundance of weapons and the proliferation of armed groups, threatened North Africa, the Sahel and Europe, but most acutely and

directly the Tindouf residents. The presence of many young, unemployed Sahrawis in the camps, and the reported complicity of some Frente Polisario members, provided a fertile recruiting ground for extremism and crime. In response to escalating dangers, Spain, France and Italy had evacuated all their nationals from Tindouf in July 2012.

62. As well as granting autonomy to the Saharans, Morocco's plan would provide regional stability and promote economic development across the Maghreb. It would improve security and demolish the region's criminal, extremist and terrorist networks. It would safeguard human rights and democracy, would enable all Saharans to exercise their full democratic rights and freedoms and would allow them to be reunited with their families after decades of enforced separation.

63. **Mr. Santosa**, speaking in his personal capacity as a lecturer in international conflict resolutions at the State Islamic University Jakarta, said that Indonesia's solution of its separatist issues democratically through the granting of special autonomy status to certain regions could be a useful model for ending the Western Sahara dispute. Morocco had in fact proposed autonomy for the Sahara region. It was the only proposal put forward since the resumption of negotiations on the disputed Territory in mid-2007 and was generally acknowledged as the most viable solution. Morocco had been able to offer special autonomy because it was a stable, democratic country working hard to ensure the welfare and prosperity of all its people.

64. Meanwhile, the other side had failed to show willingness to end the conflict by democratic means. That was not surprising, given that the people in Tindouf were living in a cruelly undemocratic situation, involving denial of fundamental human rights, freedom of movement, access to adequate food and medical care, and protection from abuse by military personnel. Lately there had been reliable reports about intimidation, punishment and torture inside the camps, as well as embezzlement of the food and medicines donated by international organizations and their sale in other countries around the Sahara, by the Frente Polisario leadership and the involvement of some of its members with terrorist groups in the Sahel. It was the international community's obligation to give the people living in Tindouf the opportunity to experience democracy in Morocco.

65. **Mr. Rosas-Moscoso**, speaking in his personal capacity as a university professor of history in Peru, said that the history of Morocco, stretching back to ancient times, made Morocco's rights over the Western Sahara unquestionable. It had always been a single country, covering the Sahara and the tropical zones and stretching to the Atlantic. The sedentary farmers of the North and the nomadic herders of the South had complemented each other, economically, culturally and politically. As one, the nation had resisted the Iberian expansion and the advance of the Ottoman Empire. It was only much more recently that the European-influenced North had lost sympathy with the nomadic culture of the South, yet both were integral to the Kingdom.

66. For 37 years Morocco had been patiently trying to bring about recognition of its rights over Western Sahara. The situation had in the meantime changed radically, and political and economic integration were a part of current reality. Morocco had presented an autonomy proposal to resolve the current impasse over control of the Sahara region. That would satisfy the Saharans' right to self-determination, and all the remaining problems were artificial, lacking any historical basis and created by forces extraneous to the main actors, the Kingdom of Morocco and the population of Western Sahara.

67. **Mr. Gookin**, speaking in his personal capacity as a New York University professor of art in the service of human rights, called for the human rights of the Sahrawi people to be protected in all parts of the Territory, for the international community to uphold the International Court of Justice's ruling that Western Sahara should be decolonized, and for the United Nations to enforce its resolutions permitting the Sahrawis to vote on self-determination.

68. There was very little media coverage of the conflict and with the absence of knowledge came inaction. Furthermore, such reporting as did appear was often misinformed or mendacious, like many of the statements delivered to the Committee during the past two meetings. To become better informed about Africa's last colony, he had gone to both the occupied Territory and the camps, where he had spoken with people who had fought in the war, been attacked by the Moroccan military while crossing the desert, or lost family members who had disappeared into the hands of the Moroccan security forces, or heard the stories of young Sahrawis who had known life only as refugees.

While humbled by the incredible fortitude that all such people demonstrated, he was appalled that the international community allowed the continuation of conditions with no apparent end, shamefully perpetuating a humanitarian crisis among a specific ethnic population, a situation that went against everything for which the United Nations stood.

69. He had been there when 20,000 Sahrawis had peacefully assembled in Gdim Izik to protest against their poor living conditions in the occupied Territory and had seen the escalating violence on the part of Moroccan security forces. He had been astonished to learn that MINURSO, alone among United Nations missions, had no authority to monitor human rights abuses. He called on the United Nations to add a human rights component to the Mission's mandate, as a step towards recognizing not only the right of the Sahrawis to self-determination but also their humanity and their right to live like all others in the free world.

70. **Ms. Kahn**, speaking in her personal capacity as a United States citizen, said that she had lived with families in each of the five Tindouf refugee camps. She had observed the roles of Sahrawi women as centres of every aspect of the camps' family, civic and cultural life, as the source of sustenance and guardians of tradition and continuity under impossible conditions. She had also learned how from the inhospitable desert sand the Sahrawi refugees had built a society-in-exile with an educational and cultural infrastructure, where there was 99 per cent literacy and where in 1976 they had drafted a constitution-in-exile.

71. She had come to understand the Sahrawis' collective goal of returning to their homeland from which they had been illegally and violently uprooted beginning with Morocco's Green March in 1975. Every inhabitant in the camps had family living in the Territory currently occupied by Morocco. Because there was no United Nations human rights mandate in place, those Sahrawi relatives' peaceful demonstrations had been met with Morocco's systematic agenda of violence and brutality. There had been too many accounts by Sahrawis in the Territory of instances of rape, torture or wanton killing. Yet how did the community of nations respond? It maintained its silence, watching from the sidelines, in a form of tacit consent.

72. The stalemate caused by polarized ideologies and politics was responsible for maintaining Western Sahara's colonial status. It was her profound hope that civilized principles would prevail, and that the Organization would make good on its 1991 promise to the people of Western Sahara that a referendum would take place under Security Council auspices.

73. **Mr. Ismaïli**, speaking in his personal capacity as a Saharan, said that for decades Saharans had been confined to camps on Algerian soil. They were supposedly refugees, but none of them had documents issued by the Office of the United Nations High Commissioner for Refugees (UNHCR) certifying their status as refugees, and none of them could leave the camps, unless they escaped. They did not have passports, and they could not return to their country of origin; indeed, they were tried and imprisoned if they attempted to do so. Nor were they free to say anything contrary to the Frente Polisario leadership that ruled the Tindouf camps with an iron fist, as was apparent from the fate of his own brother, Mustapha Salma Ould Sidi Mouloud, as well as of others more recently.

74. Responsibility for promoting and protecting human rights did not lie exclusively with the United Nations; it was incumbent upon every individual, according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The Frente Polisario was an organization alien to the people of the Sahara, and a creature of Algeria. He called upon the people of the world to help Saharans throw off its oppression.

75. **Mr. Gianassi** (Mayor of Sesto Fiorentino) said that his city had since 1984 been twinned with the Saharan city of Mahbes. Sesto Fiorentino had always fully supported the Sahrawi people's right of self-determination so that the last African colony could finally be freed.

76. During a short stay in Laayoune, the capital of Western Sahara, he had been able to observe the widespread control of the Territory by the Moroccan army and police, with streets and squares continuously kept under surveillance. He had visited the country the day after the tragic events of the repression of Gdim Izik, and seen the consequences of its evacuation. He had gathered eyewitness evidence of the detention conditions of more than 100 demonstrators, and the difficult situation in which defence lawyers found themselves as they sought to have their requests for

due process approved. What he had observed and denounced had been fully confirmed by the account of the Robert F. Kennedy Center for Justice and Human Rights after it had visited the Territory in order to investigate violations of human rights.

77. He had also met many refugees from Western Sahara who bore on their bodies the marks of torture and violence by the Moroccan police, and many Sahrawis living exile in the Tindouf camps in Algeria: women, children and men who had survived thanks to the help arriving from UNHCR and from bodies that supported their cause, and who had for almost 40 years been denied the right to live free in their own country.

78. **Ms. Maoulainine**, speaking in her personal capacity as a human rights activist in Moroccan Sahara, said that as a child she had lived with her family in difficult conditions in the camps of Tindouf, and that she wanted to testify to the systematic human rights abuses there by the Frente Polisario leadership. Having witnessed her own father being brutally tortured, she had been forcibly separated from her family for 16 years, allegedly for study abroad. Upon her return to Tindouf, she had been shocked to find that the same Frente Polisario leaders were still mistreating the inmates of the camps with impunity, with the complicity of the Algerian army and secret services.

79. Now living in Moroccan Sahara and determined to reveal the truth of the human rights violations in the camps, she had attempted to contact the Kennedy Center delegation during its visit to her country in August 2012, but the delegation had refused to hear her, clearly demonstrating its bias in favour of the Frente Polisario, and the political nature of its visit. Subsequently, the Kennedy Center had published a report alleging that human rights were violated under a special regime in effect in the southern provinces of Morocco. On the contrary, she could testify that the Sahara region was perfectly open, with a modern infrastructure, and that the entire population enjoyed all the political, economic and social rights. Morocco was stronger than all the lies put out by the Frente Polisario, and its strength resided primarily in its internal administration, its solid democratic system, and the justice of its cause.

80. While appealing to international organizations to be more fair and impartial in examining the issue of Western Sahara, at the same time she called on her friends and relatives in the Tindouf camps to accept the proposed solution of broad autonomy for all Saharans within Morocco.

81. **Mr. Aabadila** (Association Arrai de Dakhla) said that, forced to live for years in the Frente Polisario-controlled camps and now living peacefully back home in Moroccan Sahara, he had witnessed the way in which the Frente Polisario manipulated the question of human rights in order to gain public sympathy. Realizing that in the present international context it would not achieve its objectives by force of arms, it was taking advantage of democratic conditions in Morocco to move the battlefield to its southern provinces by setting up separatist cells there in the guise of human rights NGOs. Having provoked the tragedy of Gdim Izik, the separatists had sought to gain maximum international support for their aims by publishing, on Spanish television, photographs of bloodied corpses that they claimed to be victims of Moroccan brutality. However, it had rapidly been revealed that the photographs in question were those of victims of a crime of domestic violence committed in Casablanca, and the television channel in question had been ordered to pay reparations for its irresponsible journalism. Such disregard of the truth by the Frente Polisario separatists was dangerous. Together with the troubles in the Tindouf camps and in the Sahel, their actions threatened the peace and stability of the southern part of Morocco. That should serve as a call to action to all those Saharans who, like himself, believed that the Moroccan plan for autonomy was the best solution to maintain that peace and stability.

82. **Ms. Basinet**, speaking in her personal capacity, said that there was a tendency of late to consider just how much care and support were due to the marginalized. In the case of the Sahrawi people, that was what the Committee had to decide, and she called for it to exercise compassion in its decisions over their fate, self-determination and safety.

The meeting rose at 5.50 p.m.